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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 NARCEASEUS FIANDER, an individual  
13 Plaintiff,

14 vs.

15  
16 MXR IMAGING, INC., a California  
17 corporation, and JOHN McBRIDE, an  
18 individual,  
19  
20 Defendants.

Case No.: 1:21-cv-3036

COMPLAINT FOR DAMAGES  
AND DEMAND FOR  
JURY TRIAL

21  
22  
23 Plaintiff Narceaseus Fiander alleges:

24  
25 **I. PARTIES**

26  
27 1. Narceaseus Fiander is a citizen of the United States of America  
28 and a resident of the state of Washington. He resides in Yakima County,  
29 Washington.  
30

31  
32 2. MXR Imaging, Inc. ("MXR") is a California Corporation that is  
33 headquartered in San Diego County, California, that was conducting business in  
34  
35

COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL - 1

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1 Yakima County, Washington as of March 12, 2018, and that continues to  
2  
3 conduct business in Yakima County, Washington.

4 3. MXR was formerly known as Merry X-Ray Chemical Corporation  
5  
6 (“Merry X-Ray”). On December 19, 2019, Merry X-Ray filed with the  
7  
8 California Secretary of State a Certificate of Amendment of Articles of  
9  
10 Incorporation stating that Merry X-Ray amended its articles of incorporation to  
11  
12 change its name to MXR Imaging, Inc.

13 4. SourceOne Healthcare Technologies, Inc. (“SourceOne”) was a  
14  
15 Florida corporation and a wholly owned subsidiary of Merry X-Ray.

16  
17 5. On December 18, 2019, Merry X-Ray filed with the California  
18  
19 Secretary of State a Certificate of Ownership certifying that Merry X-Ray  
20  
21 owned 100% of the outstanding shares of SourceOne, and that the Merry X-  
22  
23 Ray’s Board of Directors adopted a resolution that Merry X-Ray Chemical  
24  
25 Corporation merge its wholly-owned subsidiary, SourceOne, into Merry X-Ray  
26  
27 and that Merry X-Ray would assume all of SourceOne’s obligations under  
28  
29 California Corporations Code section 110. The Certificate of Ownership states  
30  
31 that SourceOne’s merger into Merry X-Ray was effective December 31, 2019.

32 6. On or about December 19, 2019, SourceOne filed with the Florida  
33  
34 State Division of Corporations Articles of Merger of SourceOne Technologies,  
35

1 Inc., a Florida Corporation, into Merry X-Ray Chemical Corporation, a  
2  
3 California Corporation, margining SourceOne into Merry X-Ray.

4 7. On or about April 15, 2020, SourceOne filed Articles of Merger  
5  
6 with the Washington State Secretary of State merging SourceOne into Merry X-  
7  
8 Ray. On April 15, 2020, the Washington State Secretary of State issued a  
9  
10 Certificate of Merger certifying that documents meeting statutory requirements  
11  
12 have been filed and processed with the Washington Secretary of State merging  
13  
14 SourceOne into Merry X-Ray.

15 8. On or about April 27, 2020, Merry X-Ray filed an Amendment of  
16  
17 Foreign Registration Statement with the Washington State Secretary of State  
18  
19 notifying the Secretary of State that Merry X-Ray was changing its name to  
20  
21 MXR Imaging, Inc.

22 9. John McBride is a citizen of the United States of America and a  
23  
24 resident of the state of Oregon. He resides in Clackamas County, Oregon. At  
25  
26 all times relevant to this Complaint, Mr. McBride was an employee of Merry X-  
27  
28 Ray, SourceOne, and/or MXR.

## 31 II. JURISDICTION AND VENUE

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1           21.    MXR is liable for the obligations and liabilities of Merry X-Ray  
2  
3 and SourceOne as a result of SourceOne's merger into Merry X-Ray and Merry  
4 X-Ray's name change to MXR.  
5

6           22.    Mr. Fiander's general damages include pain and suffering,  
7  
8 disfigurement, emotional distress, mental anguish, inconvenience, and loss of  
9  
10 enjoyment of life.

11           23.    Mr. Fiander incurred special damages as a result of the accident,  
12  
13 including expenses related to medical treatment that he received as a result of  
14  
15 the accident in excess of \$100,000. He has also incurred out-of-pocket  
16  
17 expenses related to medical appointments necessitated by the accident, and lost  
18  
19 wages and benefits.

20           24.    Mr. Fiander is also claiming special damages related future  
21  
22 medical expenses and lost future earning capacity that he will likely incur as a  
23  
24 result of the accident.

25  
26  
27                                   **V.    DEMAND FOR JURY**  
28

29           25.    Mr. Fiander demands a jury trial pursuant to Fed. R. Civ. P. 38.  
30  
31

32                                   **VI. PRAYER FOR RELIEF**  
33

34           WHEREFORE, Mr. Fiander prays for relief as follows:  
35

1           1.     For an award of damages against the Defendants, jointly and  
2  
3 severally, for general damages, including emotional distress, disfigurement,  
4 pain and suffering, mental anguish, inconvenience, and loss of enjoyment of  
5 life;  
6

7  
8           2.     For an award of damages against the Defendants, jointly and  
9  
10 severally, for special damages including expenses related to medical treatment  
11 that Mr. Fiander received as a result of the accident, including future medical  
12 expenses, out-of-pocket expenses related to medical appointments necessitated  
13 by the accident, lost wages and benefits, and lost future earning capacity;  
14  
15

16  
17           3.     For prejudgment interest on any award of lost wages and benefits,  
18 and on any other liquidated damage amount;  
19

20           4.     For interest on any judgment entered in Mr. Fiander's favor in the  
21 maximum amount allowed by law;  
22  
23

24           5.     For an award of costs and reasonable attorney fees as allowed by  
25 the laws of the state of Washington, the United States of America, and the  
26 Federal Rules of Civil Procedure; and  
27  
28

29           6.     For such other and further relief as the court may deem just and  
30 equitable.  
31  
32  
33  
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35

1 DATED this 5<sup>th</sup> day of March, 2021.

2  
3 s/ Tyler M. Hinckley, WSBA No. 37143

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